

## **REMARKS**

Claims 23-28 are amended. Claims 39-44 are withdrawn. Claims 45-49 are added.

Applicants version of the application (an application filed under 35 U.S.C. 371 of international application PCT/DK2003/000684) contained the Abstract on a separate sheet. However, to conform the filed application to the USPTO's records, Applicants have amended the application to place the Abstract on a separate sheet, as requested by the Examiner.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

### **I. Request For Rejoinder of Claims 39-44**

Claims 23-28 have been amended to recite subject matter that was rejected only under 35 U.S.C. 101 as drawn to non-statutory subject matter by claiming "A polypeptide" which the Examiner states can read on a product of nature. The claims have been amended as suggested by the Examiner to obviate the rejection under 35 U.S.C. 101. The amended claims are believed to be in condition for allowance.

Accordingly, in view of the above amendments, Applicants respectfully request rejoinder of claims 39-44 as these are process claims that depend from or otherwise include all the limitations of the patentable product claims (Claim 23), and should be entered as a matter of right if the amendment is presented prior to final rejection or allowance.

### **II. The Rejection of Claims 23-38 under 35 U.S.C. 101**

Claims 23-38 are rejected under 35 U.S.C. 101 as claiming non-statutory subject matter. The Examiner states that the claims are drawn to "A polypeptide," which could read on a product of nature. The Examiner suggests amending the claims to recite "An isolated polypeptide." The claims have been amended to recite "An isolated polypeptide."

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 101. Applicants respectfully request reconsideration and withdrawal of the rejection.

### **III. The Rejection of Claims 23-28 under 35 U.S.C. 112 (Enablement)**

Claims 23-28 are rejected under 35 U.S.C. 112 as allegedly lacking enablement. In order to expedite prosecution, claims 23-28 have been amended to include the limitations of claims 29-33, which are not rejected under 35 U.S.C. 112.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

#### **IV. Conclusion**

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

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